

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

FEB 27 2006

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK LAWRENCE K. BAERMAN, CLERK 193
ALBANY X

(LEK/RFT)

LOEBER et.al.

Plaintiffs}

v.

SPARGO et.al..

Defendants.

X

PLAINTIFFS' NOTICE OF CROSS MOTION FOR CHANGE OF VENUE TO
JURISDICTION OF WDNY 06-CV-00080 CASE FORJONE et.al. V. CALIFORNIA et.al.
in RESPONSE IN OPPOSITION TO THE MOTIONS TO DISMISS THE AMENDED
COMPLAINT BY THE U.S. DEPARTMENT OF JUSTICE and DEFENDANTS
MAYOR MICHAEL BLOOMBERG AND THE CITY OF NEW YORK
ABSENT ESSENTIAL MUNICIPAL PARTIES

PLEASE TAKE NOTICE, pursuant to Local Rule 7.1, Fed. R. Civ. P. 19(a), in response to the Motions to Dismiss the Amended Complaint by the U.S. Department of Justice, and Defendants Mayor Michael Bloomberg and the city of New York absent essential parties to this case herein, with Plaintiffs response due February 28, 2006 and March 21, 2006 and with return date of March 17, 2006 and April 6, 2006 respectively and with DOJ reply date March 6th 2006 and NYC reply date March 27, 2006, based upon the supporting affidavit of Plaintiff H. William Van Allen and Declarations of John Joseph Forjone and Christopher Earl Strunk endorsed February 27, 2006 with exhibits attached movants as of right urge this Court to grant a change of Venue to the Western District of New York in Case Forjone et.al. v. California et.al. 06-cv-00080 before the Honorable Chief Judge Richard J. Arcara as against the Federal Defendants, States of the several states as effects the state of New York sub-divisions with bottom-up suffrage under the *False Claims Act*, and that Plaintiffs are deserving of further and different relief as the Court deems proper herein including 28 USC 455 recusal in lieu of Venue change.

Please take notice pursuant to LR 7.1 that Plaintiffs intend to file and serve reply papers, and therefore the opposing party, if any, is required to file and serve allowing 5 days before the March 17, 2006 return date.


JOHN JOSEPH FORJONE Co-chairman


CHRISTOPHER EARL STRUNK Co-chairman

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Attached:

- Pro Se Plaintiffs' Law Memorandum in Response in Opposition to the U.S. DOJ, Mayor Michael Bloomberg and the city of New York, Defendants' Motion to Dismiss the Amended Complaint
- Van Allen Affidavit In Response and Support of Plaintiffs' Notice of Cross Motion for Change of Venue to Jurisdiction of WDNY 06-Cv-00080 Case Forjone et.al. v. California et.al. in Response to the Motions to Dismiss the Amended Complaint by the U.S. Department of Justice and Defendants Mayor Michael Bloomberg and the city of New York absent Essential Municipal Parties
- Strunk Declaration in Response and Support of Plaintiffs' Notice of Cross Motion for Change of Venue to Jurisdiction of WDNY 06-Cv-00080 Case Forjone et.al. v. California et.al. in Response to the Motion to Dismiss the Amended Complaint by the U.S. Department of Justice and Defendants Mayor Michael Bloomberg and the city of New York absent Essential Municipal Parties
- Forjone Declaration in Response and Support of Plaintiffs' Notice Of Cross Motion for Change of Venue to Jurisdiction of WDNY 06-Cv-00080 Case Forjone et.al. v. California et.al. In Response to the Motion to Dismiss the Amended Complaint by the U.S. Department of Justice and Defendants Mayor Michael Bloomberg and the city of New York absent Essential Municipal Parties
- EXHIBITS A thru O.